

Message Text

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ACTION AF-10

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FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 1362

C O N F I D E N T I A L PRETORIA 3279

E.O. 11652: GDS
TAGS: EAIR, SF
SUBJECT: AIRCRAFT SALES TO SOUTH AFRICA

REF: STATE 123302

1. APPRECIATE GUIDANCE ON VARIOUS ASPECTS OF REVISED AIRCRAFT REGULATIONS CONTAINED REFTEL. EMBASSY HAS BRIEFED EXECUTIVE DIRECTOR OF CIVIL AVIATION ASSOCIATION, BEEK, AND WE ARE FOLLOWING UP WITH A LETTER GIVING MAIN POINTS. BEEK, AFTER DISCUSSING MATTER WITH SOME OF AIRCRAFT DISTRIBUTORS, STATED THEY CONTINUE TO SEE CERTIFICATIONS FOR REEXPORTED AIRCRAFT AS MAJOR PROBLEM. BEEK AGAIN STRESSED DIFFICULTY IN OBTAINING CERTIFICATIONS FROM GOVERNMENT ENTITIES OUTSIDE SOUTH AFRICA AND MUCH GREATER DIFFICULTY IN OBTAINING DATA ON AND CERTIFICATION FROM LATER PURCHASERS IN PLACES LIKE MALAWI, PARTICULARLY WHERE GOVERNMENT ENTITIES INVOLVED.

2. AFTER CAREFUL STUDY OF POINTS IN REFTEL, WE ARE STILL NOT ABLE TO OFFER CONVINCING ARGUMENT THAT CERTIFICATION OF NON-MILITARY USE IN S.A. ON REEXPORTED AIRCRAFT ADDS SIGNIFICANTLY TO EXISTING CONTROLS. LAST SENTENCE OF PARA 3 REFTEL STATES THAT USG PERMISSION REQUIRED FOR REEXPORT OF VALIDATED LICENSE ITEMS E.G., AIRCRAFT. THEREFORE, IN INSTANCE WHERE AIRCRAFT IS EXPORTED FROM
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SOUTH AFRICA TO ANOTHER COUNTRY IN THE AREA, PURCHASER COULD NOT IN TURN REEXPORT AIRCRAFT BACK TO SOUTH AFRICA WITHOUT USG APPROVAL. PRIOR TO GIVING SUCH APPROVAL, USDOC COULD REQUIRE NECESSARY CERTIFICATIONS AS IS NOW DONE ON EXPORTS FROM U.S. TO S.A. PURCHASER COULD THEORETICALLY FAIL TO ADHERE TO REQUIREMENT FOR USG PERMISSION TO REEXPORT AIRCRAFT TO SOUTH AFRICA

BUT IF HE VIOLATED THIS REQUIREMENT THERE IS NO REASON TO BELIEVE THAT HE WOULD ADHERE TO TERMS OF ANY NON-MILITARY USE CERTIFICATIONS HE MIGHT HAVE SIGNED PREVIOUSLY. IN VIEW OF THE FOREGOING, IT WOULD APPEAR THAT REQUIREMENT FOR ADVANCE APPROVAL BY USG OF REEXPORT OF AIRCRAFT TO OR FROM SOUTH AFRICA PROVIDES AS MUCH PROTECTION AGAINST NON-MILITARY USE AS CERTIFICATIONS. REQUEST DEPARTMENT'S ADVICE ON THIS POINT.

3. DISTRIBUTORS HAVE PREVIOUSLY BEEN UNDER IMPRESSION THAT REEXPORT OF AIRCRAFT TO OTHER INDEPENDENT COUNTRIES IN SOUTHERN AFRICA (EXCLUDING RHODESIA) DID NOT REQUIRE USG APPROVAL. IN VIEW OF LAST SENTENCE OF PARA THREE REFTEL, THEY HAVE INQUIRED ABOUT PROCEDURES FOR OBTAINING USG PERMISSION. SHOULD THEY GO THRU EMBASSY AS WITH SALES IN SOUTH AFRICA OR WRITE DIRECTLY TO OEA/USDOC? DUE TO TIME FACTOR, DISTRIBUTORS PREFER WORKING THRU EMBASSY.

4. ASSUME DEPARTMENT HAS NO PROBLEM WITH DRAFT FORMS FOR CERTIFICATION AND DATA PREPARED BY CIVIL AVIATION ASSOCIATION AND POUCHED AF/S AND COMMERCE/OEA. EDMONDSON

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